

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF NEW YORK

3

UNITED STATES OF AMERICA

4 vs.

NOTICE OF MOTION
23-mj-05095

5 FRANK NOESON,
6 Defendant.
7

8 **PLEASE TAKE NOTICE**, that FRANK NOESON, by his attorney,
9 MARK J. BYRNE, ESQ., upon the annexed Affirmation and all the proceedings
10 and papers heretofore had herein, moves for the following relief:

- 11 1. Extension of the Rule 48(b) Dismissal Date by 30 days; and
- 12 2. Such further relief deemed just and proper by this Court.

13 Buffalo, New York

14 October 31, 2023

15 Respectfully Submitted,

16 /s/ Mark J. Byrne

17

MARK J. BYRNE, ESQ.
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22

23 TO: AARON MANGO, AUSA.

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF NEW YORK
3 UNITED STATES OF AMERICA

4 vs.

AFFIRMATION

5 FRANK NOESON,
6 Defendant.
7 _____

8 **MARK J. BYRNE, ESQ.**, an attorney at law, pursuant to 28 U.S.C.
9 §1746(2), declares the following under penalty of perjury:

10 1) I represent the Defendant, FRANK NOESON, in the above-entitled action
11 brought by the United States of America and as such am familiar with the facts
12 and circumstances of the case.

13 2) The Defendant appeared for an initial appearance on the Criminal
14 Complaint on April 28, 2023.

15 3) With the agreement of the parties, the Court scheduled to dismiss the
16 Complaint without prejudice pursuant to Rule 48(b) on July 28, 2023.

17 4) On July 25, 2023, your Affiant requested an adjournment of the Rule 48(b)
18 date, which the Court adjourned until August 30, 2023.

19 5) On August 28, 2023, your Affiant requested a second adjournment of the
20 Rule 48(b) date, which the Court adjourned until October 2, 2023.

21 6) On August 28, 2023, your Affiant requested a second adjournment of the
22 Rule 48(b) date, which the Court adjourned until October 2, 2023.

1 7) On September 28, 2023, your Affiant requested a third adjournment of the
2 Rule 48(b) date, which the Court adjourned until November 7, 2023.

3 8) Today, the Government has provided me their formal plea proposal.

4 9) Therefore, I need additional time to speak to my Client regarding the plea
5 agreement's contents.

6 10) In order to accommodate the plea process, it is respectfully requested that
7 the Court extend the current 48(b) date by 30 days.

8 11) AUSA Aaron Mango has no objection to the relief requested in this motion.

9 12) It is agreed that any extension granted by the Court is excludable under the
10 Speedy Trial Act and Federal Rules of Criminal Procedure as it is in the interests
11 of the Defendant and the public to seek a pre-indictment resolution.

12 **WHEREFORE**, the Defendant respectfully requests that the Court issue an
13 ORDER granting the foregoing requested relief.

14 Buffalo, New York

15 October 31, 2023

16 Respectfully Submitted,

17 /s/ Mark J. Byrne

18

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